

*Application No. 10/052160***REMARKS**

The above-identified patent application has been reviewed in light of the Examiner's Action dated May 14, 2004. Claims 1 and 9 have been amended without intending to abandon or to dedicate to the public any patentable subject matter. No claims have been canceled. Accordingly, Claims 1-22 are now pending. As set out more fully below, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Claim 9 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. In particular, the limitation "said resilient portions" in Claim 9 has been found to lack antecedent basis. In the amendments set forth above, the rejection under Section 112 has been addressed. Therefore, the rejection of Claim 9 should be reconsidered and withdrawn.

Claims 1-7, 10 and 22 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,578,240 to Fortenberry ("Fortenberry"). In addition, Claim 8 stands rejected under 35 U.S.C. §103 as obvious in view of Fortenberry. As set forth herein, the Fortenberry reference does not describe each and every element of Claims 1-7, 10 and 22, and that reference does not teach, suggest or disclose all of the limitations of Claim 8. Therefore, the rejections of Claims 1-8, 10 and 22 should be reconsidered and withdrawn.

Claim 1 is generally directed to a universal snap-fit spacer system. The recited system includes a fastener member and a spacer element. The recited spacer element has an interior bore. As amended, Claim 1 recites that the resilient portion of the fastener member is movable with respect to the body portion of the fastener member. Claim 1 additionally recites that the resilient portion of the fastener member biases a locking assembly into a first position. Furthermore, Claim 1 recites that the spacer element includes a plurality of recesses formed in the interior bore, and that the locking assembly can be received in any one of a number of the recesses.

The Fortenberry reference is generally directed to a paper binding fastener. In particular, Fortenberry describes a male element 54 having conical catch members 60 that include camming surfaces 64. The conical catch members 60 and their associated camming surfaces 64 are not

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movable with respect to the shaft 58. (Fortenberry, Fig. 3.) Instead, when the fastener member of Fortenberry is being engaged with its mating member, the camming surfaces 64 of the fastener member force the movable arms 38 provided as part of the mating member outwardly to permit the catch members 60 to move past the catch members 42 on the arms 38. Accordingly, Fortenberry does not disclose a fastener member with a resilient portion that is movable with respect to a body portion. Instead, Fortenberry provides movable arms as part of an assembly with an interior bore for receiving the fastener member. Accordingly, for at least these reasons, Claim 1 and the claims dependent therefrom are neither anticipated by nor obvious in view of Fortenberry and the rejections of those claims should be reconsidered and withdrawn.

Applicant notes with appreciation the Examiner's indication that Claims 11-21 are allowed.

Applicant additionally notes with appreciation the indication that Claim 9 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. In the amendments set forth above, Claim 9 has been so amended. Therefore, it is submitted that Claim 9 is now in condition for allowance.

The application now appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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